

The Spot – Yes on Prop 8

September 29, 2008

Background and Talking Points

Script Transcript Taken from their Website:

Newsom: This door is wide open now. It is going to happen whether you like it or not.

Narrator: Four judges ignored four million voters and imposed same sex marriage on California It's no longer about tolerance. Acceptance of gay marriage is now mandatory.

Professor Richard Peterson: That changes a lot of things. People sued over personal beliefs, churches could lose their tax-exemption status, gay marriage taught in public schools.

Narrator: We do not have to accept this.

Newsom: Whether you like it or not.

Narrator: Yes on 8

Background

Proponents make four charges in their first Prop 8 Commercial (transcript attached):

- (1) Four judges overruled the will of the people
- (2) People can be sued for the personal beliefs (e.g. artificial insemination lawsuit in San Diego)
- (3) Churches can be sued over their tax exempt status for not performing same sex wedding
- (4) Kids will be taught about gay marriage in public school

Proponents use Mayor Gavin Newsome as a foil and bookend of their spot – using a clip of him to open and close the spot where he says: “the doors are wide open now... *whether you like it or not.*” Whether you like it or not is a repeated phrase throughout the spot.

TALKING POINTS - SHORT

Don't be tricked by scare tactics

- Prop 8 has nothing to do with education and our opponents know it. Prop 8 will not force churches to do anything, and Prop 8 has nothing to do with California's

laws that prohibit discrimination against gays and lesbians (or) a woman's right to have a child.

- Prop 8 is about eliminating the right of same-sex couples to marry. Our opponents know that most Californians do not support eliminating fundamental rights so they are pretending the Prop 8 is about something else.
- Don't be misled. Prop 8 isn't about schools, religion, children, doctors or courts- Prop 8 is about eliminating a fundamental right to marry for thousands of gay and lesbian couples, some of whom have been together for years. They are our friends, our neighbors, our co-workers and our family members. State law should not single out anyone to be treated differently under the law. We should not vote to eliminate their fundamental rights.

TALKING POINTS - LONG

Don't be misled by their misleading arguments and downright lies

#1 Prop 8 has nothing to do California non-discrimination laws, which already prohibit discrimination against gay people. The lesbian couple in the case proponents cite (Benitez case) were not married and the case had nothing to do with marriage. The court found that doctors can't deny medical treatment based on discrimination, whether it be discrimination based on race, religion, gender, or sexual orientation. This has nothing to do with marriage. Prop 8 would have had no effect on this case.

#2 Churches *cannot* be Sued...Nothing in this law to force churches to do anything - this just isn't false and misleading – THIS IS EXPLICITLY PROHIBITED IN THE COURT CASE THAT GRANTED MARRIAGE.

Here is what the court said in their ruling about religion and churches.

“Finally, affording same-sex couples the opportunity to obtain the designation of marriage will not impinge upon the religious freedom of any religious organization, official, or any other person; no religion will be required to change its religious policies or practices with regard to same-sex couples, and no religious officiant will be required to solemnize a marriage in contravention of his or her religious beliefs.

Proponents keep spreading this scare tactic because they want to upset the thousands of churchgoing Californians – both those who support Prop 8 and those who oppose Prop 8 (and there are thousands) into believing that this will effect their churches.

It's not true and shame on them for making it.

#3 Prop 8 DOESN'T have anything to do with Schools or teaching our kids

- There's NOT ONE WORD IN 8 ABOUT EDUCATION. In fact, local school districts and parents -- not the state -- develop health education programs for their schools.
- .NO CHILD CAN BE FORCED, AGAINST THE WILL OF THEIR PARENTS, TO BE TAUGHT ANYTHING about health and family issues. CALIFORNIA LAW PROHIBITS IT.
- And NOTHING IN STATE LAW REQUIRES THE MENTION OF MARRIAGE IN KINDERGARTEN! It's a smokescreen.
- In fact, when these same people tried made this charge in the official ballot pamphlet language they submitted to the Secretary of State – the same pamphlet that arrived in voters mail boxes last week, THE CHARGES WERE FOUND TO BE FALSE AND MISLEADING.

Here is the exact ruling by a Sacramento Superior Court judge:

Petitioners also challenge the proponents' argument that teachers "will be required" to teach young children about gay marriage. The Court agrees with Petitioners that this statement is false and misleading, and should be amended.

As Petitioners have established, current state law does not require school districts to teach anything about marriage or same-sex marriage at any grade level. Moreover, for those school districts that choose to include instruction about marriage as part of a health education curriculum, Education Code 5 5 1240 requires that they allow parents to excuse their children from any such instruction conflicting with the parents' religious or moral convictions. (Cal. Ed. Code 6 51240.)

And finally, Prop 8 is not about courts and judges; it's about eliminating a fundamental right

- Proponents of Prop use an outdated and stale argument that we've already voted on this, that judges should not protect rights and freedoms, and that somehow what happened in the past should be the guide to our future.
- Adding to the scare tactics and out and out lies of the other parts of the spot, in this spot they are holding steadfast to their belief that the people have already spoken on the issue.

- **We disagree. This campaign is not about what happened nearly nine years ago. This campaign is about whether Californians, right now, in 2008 are willing to eliminate a fundamental right for one group of citizens.**
- Our California Constitution and the laws of our state treat everyone the same – that is what the laws of America are all about. Committed same-sex couples – some of whom have been together for decades – deserve the same rights to marry as any other loving couple in California.
- We believe the public will reject this old argument because they know that, today, in 2008, gays and lesbians are part of every California. They are our neighbors, friends, co-workers and family members. They pay taxes, they work as nurses who care for us and firefighters who protect us. And Californians don't want to eliminate the fundamental rights of anyone of our citizens.
- And the proponents of Prop 8 are ignoring the clear change in public opinion on this issue. Poll after poll show that Californians reject the idea that one group should be singled out under the law to have their fundamental rights eliminated. The laws of our state protect everyone the same and do not treat anyone differently.

CONCLUSION

- Our opponents know they are behind in the polls and are desperate to use scare tactics to try and scare the public instead of focusing on what Prop 8 is really about – eliminating the fundamental rights of thousands of our friends, neighbors, co-workers and family members to marry the person they love.